

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARIANNE BUSH and ALAN BUSH,
Plaintiffs,
v.
HYATT CORPORATION,
Defendant.

Case No. 3:13-cv-00395-MMD-VPC

ORDER

Plaintiffs Marianne and Alan Bush filed this action on June 11, 2013, in the Second Judicial District Court in Washoe County, Nevada, after an alleged slip and fall incident that occurred on Defendant's premises. Plaintiffs allege claims for negligence and loss of consortium. Defendant removed the action on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332. (See dkt. no. 1.)

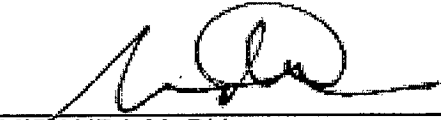
On July 26, 2013, the Court ordered Defendant to show cause as to: (1) why this case should not be remanded for lack of subject matter jurisdiction; and (2) why Defendant should not be sanctioned for misrepresenting that the 30-day removal period had not elapsed. (Dkt. no. 10.) Defendant responded on August 2, 2013. (Dkt. no. 12.) In its response, Defendant meets its burden to demonstrate that the amount-in-controversy exceeds \$75,000 and that the Petition for Removal was timely filed. Accordingly, the Court is now assured of its jurisdiction to preside over this case.

Defendant also provides an explanation for its statement to the Court as to the removal period. Defendant states that the Petition for Removal and Joint Statement

1 Concerning Removal were drafted and signed in advance of the 30-day deadline but
2 were filed late because Defendant's counsel and his assistant both lost close family
3 members. While it is counsel's responsibility to ensure that all deadlines are met and that
4 all of his filings with the Court are complete and accurate, the Court finds counsel did not
5 make a misrepresentation to the Court.

6 IT IS SO ORDERED.

7 DATED THIS 14th day of August 2013.

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11 MIRANDA M. DU
12 UNITED STATES DISTRICT JUDGE
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